Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/34
4 September 1990

ENGLISH
Original: SPANISH

Geneva
20 August - 14 September 1990

LETTER DATED 4 SEPTEMBER 1990 FROM THE HEADS OF DELEGATION OF ARGENTINA AND BRAZIL ADDRESSED TO THE SECRETARY-GENERAL OF THE FOURTH REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

We have the honour to transmit the text of a joint statement which Argentina and Brazil made at the Geneva Conference on Disarmament under agenda item 1, "Nuclear test ban". Both delegations, as observers at the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, would like it to be circulated as an official document of the Conference in accordance with the rules of procedure.

GE.90-69948/4432a

Annex

This morning I am speaking on behalf of the delegations of the Argentine Republic and The Federative Republic of Brazil.

Our two countries have greatly appreciated the re-establishment by the Conference on Disarmament of a subsidiary body to deal with the item which rightly holds first place among those the Conference has to consider with the aim of ensuring international peace and security. The Conference has been able to set up an institutional framework to serve as a setting for an exercise that, under the terms of the mandate we have given the Committee, will be of a practical nature and can be defined as a first step towards the conclusion of a comprehensive nuclear test-ban treaty. As countries which have voluntarily renounced the nuclear military option, Argentina and Brazil are ready to play an active and constructive part in this undertaking. In this regard we feel prompted to offer a few preliminary remarks.

First of all, we believe there should be no doubt as to the final goal of this exercise. We are here to draw up a comprehensive agreement that will put an end to all nuclear test explosions, in all environments, by all States, for all time. This seemingly simple statement nevertheless requires us to bear in mind that the task before us, no matter how quickly or in what order we set about it, must be guided by the objective of a universal, non-discriminatory agreement. This is not one objective among many, it is the central aim of the process we are about to undertake. Any attempt to belittle it, or to put undue emphasis on lesser topics, would be a sure recipe for failure and deadlock of the kind that has previously frustrated efforts by the Conference to advance towards this elusive goal of the international community.

The Committee's mandate clearly indicates that we have to concentrate our work in four main areas: structure, scope, verification and compliance. It further states that these are interrelated issues. In this specific context, interrelationship acquires a special meaning, since it rules out the repetition of scenarios familiar to this Conference at past sessions when our delegations met here to address different aspects of the verification arrangements for an agreement that paradoxically was not itself subject to direct consideration. So we are confronted with an unquestionably anomalous situation, which has fortunately been corrected.

In our view, there are no insurmountable technical obstacles to the conclusion of a verifiable comprehensive nuclear test-ban treaty. What is more, in recent years there has been significant progress both technically and conceptually on the issue of verification, rendering a lengthy debate on the subject unnecessary. The general approach will, in our view, have to be open and at the same time have to avoid selective treatment, since each element of the mandate will have to be analysed in the light of the progress made in the consideration of the others.

A comprehensive nuclear test-ban treaty is a logical concomitant of an international situation which is developing positively and, as has recently been acknowledged by one of the existing military alliances, enables us to envisage a world where the role of the nuclear component of existing arsenals will be substantially diminished. As we all know, nuclear weapon tests today have a clear purpose: the updating of existing arsenals and the incorporation

READEX FICHE

into them of new, more accurate and lethal systems. Not only is this modernization process stimulated by the nuclear tests the nuclear Powers conduct; such tests could be said to be an essential prerequisite. In brief, nuclear weapon tests are necessary tools for the continuation of the strategic race in its highest and most sophisticated form. The rate at which nuclear tests are being carried out confirms that their essential purpose is the development of new generations of weapons. It would certainly be most difficult to design new weapons without the support of test explosions.

The clear conclusion for us onlookers in this costly contest is that if the road to a nuclear test ban is blocked, then this must be construed as an absence of political will to leave the arms race definitely behind. In this context, if the talks between the two major nuclear Powers on their strategic systems become a vehicle for the modernization of their respective arsenals, then it makes perfect sense to refuse to adhere to a comprehensive ban on nuclear weapon tests. How can we reconcile the fact that, perhaps very shortly, two military alliances may be signing a solemn declaration that they no longer regard each other as adversaries, with the continuation of these test programmes? These activities seem to demonstrate not only that there is a lack of interest in resolving one of the most pressing items on the Conference's agenda but also that proliferation in all its dimensions continues without respite. Nor should it be forgotten that a refusal to enter into negotiations on a comprehensive nuclear test-ban treaty is not consistent with legally binding obligations stemming from a variety of international instruments.

A treaty such as we have in mind must, in order to have at least a modicum of credibility, be drawn up with the active participation of all the Powers at present carrying out nuclear weapon tests. At the same time, it should not become an instrument whereby continued testing is condoned through phased schemes that permit it at lower yields.

The foregoing is merely to say that, in order to avoid prompt frustration, our efforts must bear the stamp of credibility and consistency between our presence here and our respective national security policies.

Our statement thus far has focused on the responsibilities of nuclear-weapon States, in other words States that carry out nuclear test explosions. All of them, without exception, bear a primary responsibility for this process since it is they who will actually have to halt testing. It must be recognized, however, that a multilateral effort like ours comprises a larger number of participants. That is why, given the interests at stake, the task at hand is essentially multilateral. Its implications and scope will determine relations of complementarity with other, existing instruments governing States' nuclear activities: for example in our own region, with the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). This example, which can also be applied to other areas such as the South Pacific, will call for a detailed effort of compatibilization between different norms.

It should also be remembered that any agreement to ban nuclear-weapon tests completely as in other fields such as chemical weapons or outer space, will have to include provisions to cover the legitimate interests of States in all peaceful applications of nuclear power. Brazil and Argentina, as everyone is aware, are among those States which for many years have vigorously pursued

programmes for the peaceful use of nuclear energy. We do not question that priority should be given to the security aspects of such an agreement, but also attach priority to those aspects that relate to our technological development needs.

The peaceful course of our nuclear programmes is and has always been aimed at the attainment of a level of development that will enable us to take autonomous decisions in the energy field. In a highly technological world with serious supply problems, not having our own scientific and technological base would create a situation of technological dependence seriously affecting our shared objectives of economic and social development. Therefore we believe that something as special as an international treaty to halt nuclear weapon tests, including mechanisms for ensuring compliance, should avoid provisions which might create unnecessary controls or additional constraints on the transfer of technology for peaceful uses of nuclear energy.

Argentina and Brazil are carrying through a policy based on these principles: co-operation, openness and mutual confidence are its linchpins. This nuclear co-operation, which extends to the private sector in both States, has become closer since our two countries took the political decision to promote and expand economic integration. The degree of mutual confidence thus generated between us could hardly be matched, in its practical outcome, by any existing mechanism of international control. Precisely because we do not ignore the importance of the security aspects related to nuclear activities, we have set up unique instruments of co-operation and harmonization for our joint policy on the major international issues of nuclear energy. These are well known, and perhaps the experience we have so far gained bilaterally in Latin America could be helpful when we come to set up the machinery to link the comprehensive nulear test-ban treaty with existing international agreements and other accords. Similarly, we wish to restate our commitment to the development of peaceful nuclear technologies without hindrance, and free from measures re-establishing in international relations hierarchical orders which have proved not only inefficient but, even worse, unjust.

The complete cessation of nuclear weapon testing is a long-standing goal of our countries, along with the vast majority of the international community. We are ready to work actively to bring it about. It will be no easy task but, given the necessary commitment by everyone, the conclusion of a satisfactory agreement to end nuclear testing within a reasonable time should not be an over-idealistic gaol. For Brazil and Argentina, a comprehensive nuclear test-ban treaty admits no further delay. As in other relevant aspects of the disarmament agenda, our countries will strive to see to it that instruments designed to bring about peace and stability do not serve to restrict our economic and social development. The two objectives are perfectly reconcilable, as are the nuclear policies of Argentina and Brazil. Perhaps that is why our Governments have instructed our delegations to speak today with a single voice in this historic council chamber.

Fourth Review Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/35
10 September 1990

Original: ENGLISH

Geneva
20 August - 14 September 1990

LETTER DATED 10 SEPTEMBER 1990 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS OFFICE IN GENEVA TO THE PRESIDENT OF THE FOURTH REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

I have the honour to transmit a Memorandum with the request that it may be circulated, in accordance with the rules of procedure, as an official document of the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

GE.90-70040

Annex

MEMORANDUM

As in 1985, when Pakistan had participated as an Observer in the Third Review Conference of the Nuclear Non-Proliferation Treaty, its decision to participate again as an Observer in the Fourth and final Review Conference before the Treaty comes up for renewal in 1995, is an earnest of its support for the central objectives of the Treaty, and its desire to contribute to the objective of an effective and equitable international regime to prevent the proliferation of nuclear weapons.

2. Although Pakistan has not acceded to the NPT, it has observed the Treaty's central obligation "not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices". Nevertheless, Pakistan feels that the NPT has failed to realise its promise fully because of inherent shortcomings, as well as because of the failure of the nuclear weapon states to meet their part of the NPT commitments, including progress towards nuclear disarmament, and towards the promotion of peaceful uses of nuclear energy.

3. An appraisal of the NPT with regard to its implementation during the past twenty years leads to the following conclusions:-

i) Its implementation has been discriminatory. While the vast majority of non-nuclear weapon states, parties and non-parties to the NPT, have adhered to the objective of non-proliferation, vertical proliferation has continued unchecked. The states most staunchly critical of the non-signatories to the NPT are those who continue to maintain and improve their own nuclear

arsenals. While lamenting the theoretical possibilities of horizontal proliferation, they do not appear at all concerned about the continuing qualitative improvement of their own nuclear weapons. The risk of a nuclear war will not disappear, or even be reduced, even if all states of the UN family were to adhere to the NPT. That fatal possibility emanates exclusively from the possession of nuclear weapons by a handful of states, and especially the ones whose security doctrines are based on nuclear deterrence.

ii) The restraint exhibited by the non-nuclear weapon states has not been matched by any significant implementation of the most important incentive that was offered to the developing countries in the NPT, namely, the promotion of international cooperation in the peaceful uses of nuclear energy. Developing countries have been denied access to nuclear technology for peaceful purposes, even under international safeguards, on the pretext that this may lead to horizontal proliferation.

iii) The very definition of non-proliferation appears to have been arbitrarily changed. Under Articles I & II of the Treaty, the non-nuclear weapon states were not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices or control over such weapons or devices. Now, nuclear proliferation is construed, at least as far as most developing countries

are concerned, as the acquisition of the "technological capability" to manufacture nuclear weapons or nuclear explosive devices. On the other hand, most of the industrialized non-nuclear weapon states possess such technological capability, but are not considered to be in breach of their NPT obligations.

iv) Limits on horizontal proliferation have also been selectively applied by the nuclear-weapon states. Countries like Israel and South Africa have not only been allowed to acquire nuclear weapon capability, but have been reportedly helped by some nuclear weapon states to do so. They are also reported to have stockpiled nuclear weapons.

v) The non-nuclear weapon states parties to the NPT, have no guarantee against attack on their peaceful nuclear installations, and the NPT Member States, nuclear or non-nuclear, are not obliged to take any action against the attacking state.

vi) The NPT fails to recognize the main reason behind nuclear weapon proliferation, namely, the security compulsions of non-nuclear weapon states. Unless credible security assurances are given to non-nuclear weapon states against the use or threat of use of nuclear weapons by the nuclear powers, the NPT will not achieve universal adherence.

vii) The NPT has been discredited also because many non-nuclear weapon states have concluded that, the concept

of nuclear non-proliferation has been used by the nuclear powers and other developed countries to deprive them of the benefits of economic development through the use of nuclear energy, and thus to keep them in a perpetual state of under-development and dependence on the developed countries.

4. However, these reservations about the NPT have not prevented Pakistan from consistently advocating the cause of nuclear disarmament and nuclear non-proliferation. Pakistan was among those countries which supported the concept of a global non-proliferation agreement when it was suggested by Ireland in 1959. Despite its stated doubts about the asymmetry in the rights and obligations of the nuclear and non-nuclear weapon states inherent in the NPT, Pakistan voted in favour of the U.N. General Assembly Resolution 2373 (XXII) which commended the treaty on 12 June 1968. At that time, Pakistan had expressed its willingness to accede to the treaty provided credible security assurances were given to non-nuclear weapon states against the use or threat of use of nuclear weapons and if the treaty attracted the universal adherence of the so-called 'threshold' nuclear powers, including India.

5. Pakistan remains deeply committed to the objective of nuclear non-proliferation at both the global and the regional levels.

Accordingly it has consistently advocated the following measures:-

i) Pakistan is of the view that credible security assurances to non-nuclear weapon states against the use or threat of use of nuclear weapons are an essential element of an effective and equitable regime to prevent the proliferation of nuclear weapons. Such assurances should be without qualification, not subject to divergent interpretation and unlimited in scope, application and duration. Also the guarantees to be extended to the non-nuclear weapon states must be based on a single "common formula" on which consensus exists, as is reflected in Pakistan's resolution on the subject at the Forty-fourth Session of the UN General Assembly, adopted by 151 votes in favour with none against. At the same time Pakistan is opposed to the "categorization" approach pursued by some countries, as this would complicate the search for a "common formula".

ii) While the non-nuclear weapon states undertake not to develop, produce or acquire nuclear weapons, it is imperative that the nuclear-weapon states should engage in meaningful negotiations for the reduction of their nuclear arsenals with a view to realising, ultimately, the total elimination of nuclear weapons. Vertical proliferation of nuclear weapons has the effect of weakening the nuclear non-proliferation regime.

iii) Pakistan attaches the highest importance to the early conclusion of a Comprehensive Nuclear Test Ban Treaty for the ultimate objective of ridding the globe of nuclear weapons and preventing nuclear proliferation. There are no barriers now to a test ban treaty; all that is required is a political decision by the concerned governments. Until the conclusion of a test ban treaty the nuclear weapon states should undertake an indefinite moratorium on nuclear testing, including on the so-called "peaceful nuclear explosions".

iv) Pakistan feels that bilateral and regional nuclear test ban agreements can play an important role in preventing nuclear proliferation. In the context of South Asia, Pakistan has proposed to India a bilateral or a regional test ban agreement to keep South Asia free of nuclear weapons.

v) The establishment of Nuclear-Weapon-Free Zones (NWFZs) in various parts of the world is an important means to prevent nuclear proliferation and to strengthen regional security and stability. Pakistan fully supports the establishment of NWFZs in various regions of the world. It has proposed the establishment of a Nuclear-Weapon-Free Zone in South Asia. This proposal has been repeatedly endorsed by the UN General Assembly year after year. At the Forty-fourth Session of the General Assembly, Pakistan's resolution on NWFZ in South Asia was adopted by 116 votes in favour, 3 against and 22 abstentions.

vi. The non-nuclear weapon states should not be denied the benefits of peaceful uses of nuclear energy and technology. An equitable and effective regime to prevent the proliferation of nuclear weapons must contain provisions for the promotion of international cooperation in the peaceful uses of nuclear energy under IAEA safeguards.

6. Pakistan is against the spread of nuclear weapons in the world in general, and in South Asia in particular. It is prepared to contribute its share, and more, to any endeavour to avert such a danger in the region. Pakistan remains committed not to develop nuclear weapons, and it is prepared to accept any equitable and non-discriminatory proposal that would convert the unilateral statements of the states of the region regarding nuclear non-proliferation, into binding multilateral obligations. In this context inspite of its reservations about the Non-Proliferation Treaty, Pakistan would be willing to accede to it simultaneously with India.

Fourth Review Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

NPT/CONF.IV/36
11 September 1990

ENGLISH
Original: SPANISH

Geneva
20 August - 14 September 1990

LETTER DATED 10 SEPTEMBER 1990 FROM THE HEADS OF DELEGATION OF ARGENTINA AND BRAZIL ADDRESSED TO THE SECRETARY-GENERAL OF THE FOURTH REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

We have the honour to transmit the text of a joint statement which Argentina and Brazil, as observers at the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, would like to be circulated as an official document of the Conference, in accordance with the rules of procedure.

GE.90-70046/4463a

Annex

Brazil and Argentina reiterate their firm commitment to the peaceful uses of nuclear energy and to the objective of non-proliferation of nuclear weapons in all forms and modalities. This has been constantly reflected in the statements of their highest authorities, in the policies and acts of their Governments and in their strict observance of the relevant national and international legal instruments.

Argentina and Brazil welcome the positive trends in the relationship between the two main nuclear-weapon States and their respective allies, which are making it possible to envisage the adoption of steps towards the slowdown and cessation of the nuclear arms race and towards nuclear disarmament.

At the same time, Brazil and Argentina would like to stress the fundamental importance of the political will to promote dialogue and understanding among all members of the international community in order to lessen tension and to achieve the peaceful settlement of disputes. In this regard, Argentina and Brazil are proud to point out that the spirit of co-operation has prevailed among the countries of South America for many decades.

It is particularly noteworthy that, for a number of years now, Brazil and Argentina have been actively engaged in a process of political co-operation and economic integration, as attested, among other initiatives, by the co-ordination of their nuclear policies. To date, there have been seven meetings of the Working Group and of the Permanent Bilateral Committee on Nuclear Co-operation, held alternately in each country in order to co-ordinate policies and exchange information on their respective programmes in the nuclear field. One important aspect of these meetings is the visits by high authorities and technical experts to each other's nuclear installations, research centres and other facilities.

The following are examples of areas of ongoing co-operation between the two countries: nuclear safety, mutual assistance in the event of nuclear accidents or radiological emergencies, research reactors fuel, safeguard concepts and methods, fast-breeder reactor project, exchange of information on materials and techniques, industrial co-operation, etc.

This increasing co-operation has also been reflected in the work of the delegations of Argentina and Brazil in multilateral and regional forums, as underscored by their co-ordinated initiatives in the Conference on Disarmament, in the IAEA and in OPANAL.

Brazil and Argentina remain deeply committed to the principles stated by the international community in General Assembly resolution 2028 (XX), which set forth the basic tenets of a multilateral treaty to prevent the proliferation of nuclear weapons. Accordingly, Argentina and Brazil respect the letter and the spirit of the Treaty of Tlatelolco. The full implementation of this Treaty is currently the subject of an active and intense exchange of views among interested parties.

Brazil and Argentina are deeply convinced of the value of their individual and joint contributions, in the past as well as in the present, to achieving the goal of preventing the proliferation of nuclear weapons in all its dimensions. In their view, increasing co-operation in the peaceful applications of nuclear energy and the mutual assurances thus generated are the most effective way to attain that goal.

Argentina and Brazil respect the position of those countries which have exercised their sovereign right to accede to international instruments which, in the view of such States, would foster those objectives. Brazil and Argentina expect that their own choice of ways and means to contribute to the same goal will likewise be respected.